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**STATE OF DELAWARE**  
**BOARD OF MASSAGE AND BODYWORK**

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**PUBLIC MEETING MINUTES: Board of Massage and Bodywork**  
**MEETING DATE AND TIME: Thursday, October 16, 2014 at 1:30 p.m.**  
**PLACE: 861 Silver Lake Boulevard, Dover, Delaware**  
**Conference Room B, second floor Cannon Building**  
**MINUTES APPROVED: November 20, 2014**

**MEMBERS PRESENT**

Sandra Jachimowski, Professional Member, President  
Rachel Dunning, Public Member  
Patricia Schumann-Draper, Professional Member  
Holly Overmyer, Professional Member, Vice President

**MEMBERS ABSENT**

Gordon Gelley, Public Member  
Jermaine Cannon, Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER**

Eileen Kelly, Deputy Attorney General  
Maggie Strauss, Administrative Specialist II  
David Mangler, Director

**OTHERS PRESENT**

Cathy Tindall Ron Clark  
Libby Markl Aimee Moulder  
Sharon Gamble Barbara Williams

**CALL TO ORDER**

Ms. Jachimowski called the meeting to order at 1:41p.

**REVIEW OF MINUTES**

The Board reviewed the minutes from the September 18, 2014 meeting. A motion was made by Ms. Dunning, second by Ms. Overmyer, to approve the minutes as presented. The motion carried unanimously.

**UNFINISHED BUSINESS**

A motion was made by Ms. Overmyer, second by Ms. Dunning to amend the agenda to add Jennifer Techentine at 3.2.11. The motion carried unanimously.

*Review and Signing of Final Orders*

The Board reviewed and signed the final orders of Patricia Douglas Blakely, Noel Olson, Enid J-Ellis and Jennifer Techentine.

A motion was made by Mr. Gelley, second by Ms. Dunning to table the signing of the final orders of Michelle Francis, Rose Harris, Ali Lowe, Leslie Maxwell, Jaan Lutter, Kaitlin Economos-Monroe and Sherry Jessee. The motion carried unanimously.

*Review of Board Order(s) – Non-Compliance*

The Board reviewed the final order for Henry Glowiak; finding him non-compliant with the signed order, a motion was made by Ms. Dunning, second by Ms. Overmyer to draft a letter to Mr. Glowiak advising him of his non-compliance and the potential disciplinary action. The motion carried unanimously.

The Board reviewed the final order for Valerie Hall; finding her non-compliant with the signed order, a motion was made by Ms. Dunning, second by Ms. Overmyer to draft a letter to Ms. Hall advising her of her non-compliance and the potential disciplinary action. The motion carried unanimously.

**NEW BUSINESS**

*Ratification of Massage Technician Certifications*

A motion was made by Ms. Dunning, second by Ms. Overmyer, to approve the ratification of the Massage Technician applications of: Antomya T. Taylor, Arron R. Reeves, Guang Zhu Jin, Ja'Kia La'Chelle Townsend, Sheldan Lynn Sapp, Qiang Li, Na Li, Krystal Nicole Doughty, Shaniece Y. Grant, Gysell Mercedes Larson, Deena L. Fields and Amanda K. McDonald. The motion carried unanimously.

*Ratification of License Massage Therapists*

A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the ratification of the Massage Therapist Certifications of: Joshua C. Gaines, Ramune Zykute Williams, Rebecca Jo Enrico, Kerry L. Bodoh, Lawrence G. Inocencio, Janielle C Lobban, JaeYong Kim and Debra A. Kieling. The motion carried unanimously.

*Continuing Education*

Ms. Strauss presented a CE certificate to the Board for review. A motion was made by Ms. Dunning, second by Ms. Overmyer to send a letter to the provider pointing out the inaccuracies and asking for clarification on those items, and to send the same to the licensee. The motion carried unanimously.

The Board discussed how to handle a person who is not licensed in the state of Delaware requesting to teach a class related to massage & bodywork. Ms. Draper referred to laws in other states that indicate that as long as the instructor is not teaching through touch or manipulation, than it is allowed. Ms. Kelly advised that the current laws do not support either of these scenarios, only what is required to get a course approved, and licensure is not one of them. Ms. Kelly also stated that currently, there is no instructor license in the profession for DE.

A motion was made by Ms. Dunning, second by Ms. Overmyer, to approve the continuing education requests as follows. The motion carried unanimously.

**Anita C. Brown - Reiki Level I – 6.5 Elective**

Complaint Status

20-07-12 – Attorney General  
20-01-13 – Hearing Officer  
20-02-13 - Attorney General  
20-03-13 - Attorney General  
20-06-13 - Attorney General  
20-14-13 – Hearing Officer  
20-17-13 – Hearing Officer  
20-05-14 – Attorney General  
20-09-14 – Attorney General  
20-10-14 – Attorney General  
20-11-14 – Attorney General  
20-12-14 – Attorney General

Application(s) for DAG Review

Under advisement from Ms. Kelly, a motion was made by Ms. Overmyer, second by Ms. Dunning to approve the application of Laudie Jean-Francois for licensure. The motion carried unanimously.

A motion was made by Ms. Dunning, second by Ms. Overmyer to approve the application of Jessica Spence for licensure. The motion carried unanimously.

Under advisement from the Ms. Kelly, a motion was made by Ms. Dunning, second by Ms. Overmyer to propose to deny the application of Melody Mercadante. The motion carried unanimously.

Discussion of defining “Approved School” and “Approved Program”

Ms. Draper stated that the NCBTMB lists schools, licensees and establishments who have had their licenses revoked, disciplined, etc., could the board utilize that? Ms. Kelly advised that there currently is no statute to support the Board using this information as a reference to withhold licensure because they do not approve the afore mentioned. They would first have to develop a license type and laws to support it. Mr. Mangler indicated that there has to be structure in place to determine exactly what they want to consider in making these determinations; what requirements does the Board want to consider a school or program approved? Do you want to refer to a specific certifying entity(s)? Mr. Mangler went on to suggest that the Board first determine what they want as “acceptable” and then what certifying body(s) they deem acceptable. He recommended they visit their national organization to see what is required to get their approval, and then decide if what the Board wants for DE is comparable.

Under the guidance of Ms. Kelly, the Board decided to keep this a running agenda topic, and possibly form a committee. The Board agreed unanimously.

Review & Consideration of Hearing Officer Recommendation(s)

A motion was made by Ms. Dunning, second by Ms. Overmyer to accept the Hearing Officer Recommendation for Hong Dong Zhang. The motion carried unanimously.

Evaluation of Modalities

Ms. Kelly started the topic of discussion by summarizing statute 5302(6) and regulation 2.4. Ms. Draper and Ms. Jachimowski agreed that the modalities need to be realigned to keep up with current practice. Ms. Draper went on to further state that some of the modalities defined in the regulations manipulate the muscle, and some do not. She provided energy work as an example. She also stated that if there is no muscle manipulation, it is not considered massage. Mr. Mangler said that often times Bodywork is confused with massage therapy, and DE currently has the 2 under the same Board with one licensing standard. Ms. Kelly said she will look at how other states

have their boards aligned. She also agreed with Mr. Mangler that there needs to be better definition of what Bodywork is and what Massage Therapy is in both the statute and the regulations. Many of the “specialized” modalities like reflexology and rolfing do not claim to be massage therapists and receive very specialized training to gain certification. The educational requirements are very different than those required to obtain CMT/LMT licensure in DE.

A motion was made by Ms. Dunning, second by Ms. Draper to table the discussion for November to allow Ms. Kelly to do further research. The motion carried unanimously.

#### Review of state statutes for licensure of massage establishments

Mr. Mangler again addressed the Board regarding licensure of establishments. He provided a few topics for the Board to consider while pursuing this. Ms. Jachimowski stated that she thinks the Board should first draft a definition of what is considered an establishment, and then start the licensure of establishments. Mr. Mangler agreed, and reminded the Board to include a provision for “out call” licensees in that definition.

#### Miscellaneous Review and Discussion

Ms. Jachimowski summarized an email from FSMTB; they have reached a collaborative agreement with the NCBTMB and the NCBTMB will no longer be administering exams. They will focus solely on delivering certification programs. MBLEx will be the sole licensure exam for the profession. Ms. Kelly advised the board there will have to be a regulation change to reflect this new examination change. Ms. Strauss also advised she will add this information to the division website.

(“Since both organizations offer a 90-day window of authorization to test, there will be applicants in the system that need to cycle through. Therefore, NCBTMB will cease accepting licensure exam applications, effective November 1, 2014 and will cease offering licensure exams effective February 1, 2015.

Professionals and regulators will be notified of additional information and important transition timelines as this collaboration ensues.”)

The Board discussed the reasoning for not accepting the NESL exam that was previously offered through NCBTMB. A motion was made by Ms. Overmyer, second by Ms. Dunning to table the application of Bei Li for further information. The motion carried unanimously.

Ms. Strauss advised the Board that it was time to start the 2012-2014 audits. A motion was made by Ms. Overmyer, second by Ms. Dunning to run the audit with the same percentages of random and late retests as the 2010-2012 audit period. The motion carried unanimously.

Ms. Kelly and Ms. Strauss advised the Board that the Board of Pharmacy received the same documentation regarding a CPR provider Request for approval. They are pursuing correspondence with the company, and will be drafting a letter asking for specific information. Mr. Galloway who is/was an instructor will be reviewing the information as it becomes available and has agreed to provide his findings to Ms. Strauss so that she can share them with the Board. A motion was made by Ms. Dunning, second by Ms. Overmyer to table the review and discussion of Emergency University CPR course until information is received by the Board of Pharmacy. The motion carried unanimously.

#### **CORRESPONDENCE**

There was no correspondence received by the Board.

#### **OTHER BUSINESS (for discussion only)**

There was no other business for discussion.

**PUBLIC COMMENT**

Ms. Tindall and Ms. Markl addressed the Board with their concerns over licensure. They are finished their Reflexology education and are currently preparing to take their exam to receive National Reflexology certification. They are concerned about practicing in DE, and how they need to pursue licensure. Ms. Kelly indicated that currently the statute requires Reflexologists to have a CMT license at minimum. Ms. Jachimowski said that some schools will do a transfer of educational hours to complete a CMT provider course, but they would need to contact the schools directly. Ms. Kelly also advised that Ms. Tindall and Ms. Markl seek legal counsel to obtain any legal advice, as the Board is not permitted to provide legal guidance.

Ms. Overmyer reiterated that the Board realizes there is a need to re-evaluate the modalities, and they are working on the issue. However, they can only follow what is in place now.

**NEXT SCHEDULED MEETING**

The next meeting is scheduled for November 20, 2014 at 1:30 p.m.

**ADJOURNMENT**

There being no further business, a motion was made by Ms. Overmyer, second by Ms. Dunning, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 3:56p.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Strauss', written in a cursive style.

Maggie Strauss  
Administrative Specialist II